

**San Francisco Bay Regional Water Quality Control Board**

**February 12, 2014 Board Meeting  
Draft Minutes for Board Consideration**

ADOPTED March 12, 2014

Note: Copies of orders, resolutions, and minutes are posted on the Regional Water Board's website ([www.waterboards.ca.gov/sanfranciscobay](http://www.waterboards.ca.gov/sanfranciscobay)). Information about obtaining copies of audio recordings of Board meetings may be obtained by calling the Board's file review coordinator at (510) 622-2430. Written transcripts of Board meetings may be obtained by calling California Reporting, LLC, at (415) 457-4417.

**Item 1 - Roll Call and Introductions**

Meeting called to order at approximately 9:05 am in the Elihu M. Harris Building, First Floor Auditorium.

<u>Board Members Present</u>	<u>Board Members Absent</u>	<u>Status</u>
William Kissinger Newsha Ajami Margaret Abe-Koga John Muller Vice-Chair James McGrath Chair Terry Young		QUORUM

Division Chief Stephen Hill introduced Board staff Laurent Meillier as the new section leader in the Toxics Cleanup Division. Executive Officer Bruce Wolfe announced Section Leader Chuck Headlee's retirement, and Chair Young presented multiple proclamations to him.

**Item 2 - Public Forum**

No parties requested to speak

**Item 3 - Minutes of the January 15, 2014 Board Meeting**

Mr. Wolfe recommended adoption of the Item with the wording changes noted in the supplemental.

Vice-Chair McGrath moved for adoption of the minutes; Board Member Abe-Koga seconded the motion.

Ayes: Kissinger, Ajami, Abe-Koga, Muller, McGrath, Young

Nos: none

ITEM ADOPTED

**Item 4 - Chairman's, Board Members', and Executive Officer's Reports**

Board Member Abe-Koga noted that the City of Mountain View recently adopted a ban on

polystyrene. Board Member Muller discussed the recent educational tour in Napa where the Board members had an opportunity to learn about vineyard practices. Vice-Chair McGrath noted a recent meeting with staff in which they discussed water quality issues at Aquatic Park in Berkeley. Chair Young described a recent field trip to the South Bay Salt Pond Restoration Project with State Water Board Member Steve Moore and Mr. Wolfe. Chair Young also updated the Board members on items discussed on the recent Chairs' call.

Mr. Wolfe gave an overview of this month's Executive Officer's Report. He also discussed the drought and efforts underway to promote water recycling.

Tam M. Doduc, State Water Board Member and liaison to the San Francisco Bay Region, addressed the Board. She discussed efforts underway in Sacramento to address the drought.

### **Item 5 - Consideration of Uncontested Items**

**5A - Department of the Navy, Former Mare Island Naval Shipyard, Vallejo, Solano County**  
– Rescission of Order Nos. 85-019 and 89-088 for the Mare Island Sanitary Landfill and Industrial Waste Treatment Plant Surface Impoundments

**5B - Valero Refining Company – California, Valero Benicia Refinery, Benicia, Solano County**  
– Update of Site Cleanup Requirements and Rescission of Order Nos. 94-144 and 97-077

**5C - Waste Management of Alameda County, Inc. – Closed Fill Area 1 Landfill, Tri-Cities Recycling and Disposal Facility, Fremont** – Update of Waste Discharge Requirements and Rescission of Order No. 94-049

Mr. Wolfe recommended adoption of the items 5A, 5B, and 5C.

Board Member Muller moved for adoption of items 5A, 5B, and 5C; Board Member Abe-Koga seconded the motion.

Ayes: Kissinger, Ajami, Abe-Koga, Muller, McGrath, Young

Nos: none

ITEMS ADOPTED

**5D - Cleanup Programs** – Status Report including Case Closures

Mr. Wolfe discussed the Item with the Board.

This item was for discussion purposes and no action was taken.

### **Basin Planning**

**Item 6 - Napa River and Sonoma Creek Non-tidal Portions - Delist for Nutrients from Impaired Water Bodies List – Adoption of Resolution Recommending Delisting**

Board staff Kevin Lunde made the presentation. Board members asked a number of clarifying questions about water quality data and nutrients.

Mr. Wolfe recommended adoption of the Item.

Vice-Chair McGrath moved for adoption of Item 6; Board Member Ajami seconded the motion.

Ayes: Kissinger, Ajami, Abe-Koga, Muller, McGrath, Young

Nos: none

ITEM ADOPTED

### **Site Cleanup Requirements**

#### **Item 7 - Marinwood Plaza, LLC, for the property located at 187 Marinwood Avenue, Marinwood, Marin County – Adoption of Site Cleanup Requirements**

Board staff Kent Aue made the presentation. Board Members commented and asked clarifying questions.

Mr. Wolfe, Assistant Executive Officer Dyan Whyte, and Toxics Division staff responded to questions.

Jon Welner, Partner at Jeffer Mangels Butler & Mitchell, addressed the Board and spoke on behalf of Marinwood Plaza, LLC. He agreed with the need for remediation but refuted the need for an order. He introduced his associates Brian Aubry and Tom Fitzsimmons to further speak on the issue. Mr. Aubry, Principal at Geologica, addressed the Board and described the work performed at the site and the recent offsite investigation. Mr. Fitzsimmons, Asset Manager at Wells Fargo, addressed the Board and spoke on behalf of Marinwood Plaza, LLC.

David Trotter, Attorney at Bowles & Verna, addressed the Board and spoke on behalf of Silvera Ranch. He supported the adoption of the Revised Tentative Order and requested a stricter deadline that would date back six months prior to the original Final Remedial Action Plan submittal deadline. Renee Silvera, daughter of Silvera Ranch's owner, expressed concern for the safety of her drinking water well and encouraged the Board to adopt the Revised Tentative Order, as was presented by Mr. Aue.

Ray Day, resident of Marinwood, addressed the Board. Justin Kai, resident of Marinwood, addressed the Board. Stephen Nestel, resident of Marinwood, addressed the Board.

Board staff responded to a number of questions from Board members on the methods and schedule for cleanup. Chair Young pointed out an error on page 10. She also requested that the Board be updated upon completion of tasks 4 and 6 in the Order.

Mr. Wolfe recommended adoption of the Item as modified on page 10.

Vice Chair McGrath moved for adoption of Item 7; Board Member Abe-Koga seconded the motion.

Ayes: Kissinger, Ajami, Abe-Koga, Muller, McGrath, Young

Nos: none

ITEM ADOPTED

### **Item 12 - Adjournment**

Meeting adjourned at 1:27 pm until the next Board Meeting – March 12, 2014